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Review of Comments on FCC NPRM 04-296

The Federal Communications Commission (FCC) sought comments on a Notice of Proposed Rulemaking (NPRM) in the matter of the Emergency Alert System (EAS), Docket EB 04-296, during a 60 day period ending on October 29, 2004. Although the subject of the NPRM was the Emergency Alert System, comment on the much broader topic of National emergency warning was requested. It has been reported that the response to this NPRM was the second largest in FCC history.

I reviewed all comments submitted on the NPRM. I found that my comments, submitted on October 29, were validated by nearly all the other comments submitted.

There were 101 individual submissions made by 26 Associations, 29 companies, 27 government entities, and 19 individuals during the comment period. These numbers are the result of my personal analysis and classification. The following comments are the result of a quick review and are not meant to be a rigorous analytical treatise.

The Associations included radio and TV broadcasters (12), disability (4), telecommunications (2), cellular/wireless (3), cable (2), missing children (1), public warning (1), and electronic trade (1). The companies included radio and TV broadcasters (9), warning equipment manufacturers (8), companies with emergency warning interests (7), satellite radio broadcasters (2), telephone (1), and cable (1). Government entities included city/town/municipal (11), Regional/ State (8), county (6) and Federal (2). Of the 19 comments from individuals, 2 were concerned with disability issues.

There was nearly unanimous agreement that (1) the current EAS doesn't work very well, (2) the EAS serves a useful purpose and should be fixed, (3) a single Government department should be responsible for national emergency warning matters, and (4) the Department of Homeland Security/Federal Emergency Management Agency was a logical choice.

More specific comments on particular aspects of the EAS NPRM are as follows:

> The focus of comments from all city and some county emergency management was almost exclusively centered on a single issue of retaining access to cable TV as a means for delivering local emergency information to their constituents through pre-emptive access to programming being delivered by a local cable franchise.

Broadcasters are universally opposed to local emergency managers being able to seize control of local broadcast transmitters for emergency broadcasts and to override local cable delivery of their broadcasts using EAS.

Those individuals and associations that commented on the delivery of emergency information to people with disabilities emphasized that nearly all existing emergency warning delivery systems are woefully inadequate despite existing regulations to the contrary. Audio EAS delivery is useless to deaf and hard of hearing people. Captioning on TV is, in many cases, poor quality, sporadic, missing, or behind a crawl (a crawl many also be behind captioning). For the blind, captioning, crawls and pretty graphics are useless and detailed voice descriptions are usually absent or inadequate. NOAA Weather Radio was identified as an exception to this situation.

"New technology" cellular end point providers proposed and lobbied for greater use of cellular technology in emergency warning. Cellular and telephone associations and companies cautioned against using these technologies for trying to provide timely emergency warnings to large numbers of people as existing systems were not designed for nor capable of point to multipoint delivery. They also pointed out that enabling technologies for cellular broadcast of emergency warnings were not currently widely deployed.

It is also quite instructive to note the dichotomy that exists in the broadcast industry comments. On one hand the cost and effort of participating in EAS is too great because NWS issues too many warnings, emergency warning pre-emption of broadcast programming by the cable industry is too disruptive of programming, emergency management direct access to broadcast facilities can not be allowed, testing and record keeping are too onerous, etc. On the other hand there seems to be millions of dollars available for private weather radar and staff meteorologists who preempt programming for hours, giving minute by minute progress reports of a thunderstorm or putting a reporter at risk by putting him on the shore in the dark during a hurricane. It seems somewhat self-serving to claim EAS activation for an event is not necessary, to then spend hundreds of thousands of dollars in covering the event as news, and then this as a public service.

Three individual submissions expressed opinions that EAS is an outmoded nuisance and should be eliminated. Others observed that with all the new technology available there must be a better way of doing things

Most comments to the NPRM relate to efforts focused on end point delivery of emergency warnings. In general, there appears to be little understanding or interest in the need for and structure of a National emergency warning system.

Just as many end-point delivery system providers use NOAA Weather Radio performance as the metric by which they judge the performance of their systems superior, a similar circumstance is occurring in forecasting local weather events that become news

events. In many major metropolitan areas broadcasters have made considerable investments in weather radars, meteorologists, mobile telecommunications, and staff. There are increasing claims that they provide more accurate and timely local emergency warning delivery to the public than NWS and EAS. While this is true in some cases because of their ability to concentrate all their attention on a small local area, the fact that most of the information on which these forecasts are based is supplied either directly or indirectly by the NWS is largely ignored and goes unreported.

Comment to the EAS NPRM reaffirms the need for an emergency warning system that can meet the needs of the public, the public safety and emergency management communities, and people with disabilities. It is also quite clear to me from the comments to the NPRM from the broadcast industry, that although EAS can be of some future use as an emergency warning end point provider, it will never function in the role of a primary public emergency warnings system. It is also apparent that there is also no universal consensus for viable, "new technology" alternatives, i.e., cellular telephone, satellite broadcasts, wireline telephones, Internet, cable, etc., that are often mentioned as candidate platforms for an emergency warning system.

It is also clear that there is very little understanding of the NOAA NWS infrastructure that currently supports an operational National emergency warning system. This is due, in large part, to the universal, narrow focus on NOAA Weather Radio (NWR) in the wider context of National emergency warning. NWR like EAS is an end-point emergency warning delivery system. EAS is largely dependent on NWR for warning information and NWR is largely dependent on NWS infrastructure for that information. Neither EAS nor NWR, in isolation, is a suitable platform for a National warning system.

I and several others who submitted comments to the NPRM identified the existing NWS infrastructure as a viable platform for the needed National Emergency Warning System. With proposed refinements and upgrades, it would provide a state-of the-art platform for the collecting text and voice emergency warnings from anywhere in the United States and delivering them everywhere in the United States in less than a minute. It would provide effective access to the entire emergency management community for direct input of emergency warnings and to the entire emergency warning user community for timely warning delivery. It would use existing, available consumer products. It would support the implementation of the proposed "new technology" end point delivery systems. It would free those currently involved in trying to make the current EAS function to resolve the conflicting issues that exist between cable operators, broadcasters, and local governments. It would enable more effective use of the EAS. It would resolve many of the emergency warning problems being experienced by people with disabilities. It would be implemented on an existing, publicly owned infrastructure in a short period of time at a relatively small cost that would yield a significant return on investment. It would revolutionize the collection and delivery of emergency warnings.

Based on comments received as a result of the NPRM, I recommend that the FCC, DHS/FEMA, and NOAA join in an effort to use the existing NOAA NWS infrastructure as the backbone for a National Emergency Warnings System by integrating NWR and

NOAA Weather Wire Service (NWWS); by making timely, local, electronic access available to emergency managers; by completing the proposed and ongoing build-out and enhancement of NWR; and by better integrating NWS infrastructure with other emergency warning technologies, both existing and proposed.

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